

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NICHOLAS JAMES MCGUFFIN, as ) (Lead Case)  
an individual and as guardian ) Case No. 6:20-cv-1163-MK  
ad litem, on behalf of S.M., ) (Trailing Case)  
a minor, ) Case No. 3:21-cv-1719-MK

Plaintiffs,

v.

MARK DANNELS, PAT DOWNING, )  
SUSAN HORMANN, MARY KRINGS, )  
KRIS KARCHER, SHELLY MCINNES, )  
RAYMOND MCNEELY, KIP OSWALD, )  
MICHAEL REAVES, JOHN RIDDLE, )  
SEAN SANBORN, ERIC )  
SCHWENNINGER, RICHARD WALTER, )  
CHRIS WEBLEY, ANTHONY WETMORE, )  
KATHY WILCOX, CRAIG ZANNI, )  
DAVID ZAVALA, ESTATE OF )  
DAVID E. HALL, VIDOCQ SOCIETY, )  
CITY OF COQUILLE, CITY OF )  
COOS BAY, and COOS COUNTY, )

Defendants.

(Continued on next page)

VIDEOTAPED DEPOSITION OF S.M.  
Taken on behalf of the Defendants  
July 17, 2023

\*\*\*TAKEN VIA VIDEOCONFERENCE\*\*\*

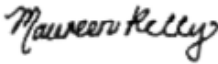
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<p>1 VIDOCQ SOCIETY, )  2 Cross-Claimant. )  3 RICHARD WALTER, )  4 Cross-Claimant. )  5 )  6 NICHOLAS JAMES MCGUFFIN, as )  7 an individual and as guardian )  8 ad litem, on behalf of S.M., )  9 a minor, )  10 Plaintiff, )  11 v. )  12 )  13 OREGON STATE POLICE, )  14 Defendant. )  15 )  16 )  17 )  18 )  19 )  20 )  21 )  22 )  23 )  24 )  25 )</p> <p style="text-align: right;">Page 2</p>	<p>1 For Defendant Vidocq Society:  Meredith A. Sawyer  2 HWS LAW GROUP  1500 Fourth Avenue, Suite 2200  3 Seattle, Washington 98101  msawyer@hwsllawgroup.com  4  For Defendants Daniels, Downing, Karcher, McInnes,  5 McNeely, Oswald, Reaves, Sanborn, Schwenninger, Shapiro,  Webley, Wetmore, Zanni, Zavala, City of Coquille, City  6 of Coos Bay, and Coos County:  Robert E. Franz, Jr.  7 LAW OFFICE OF ROBERT E. FRANZ, JR.  P.O. Box 62  8 Springfield, OR 97477  rfranz@franzlaw.comcastbiz.net  9  For Defendant Richard Walter:  10 Taylor K. Gersch  LUVAS COBB  11 777 High Street, Suite 300  Eugene, Oregon 97401  tgersch@luvaascobb.com  12  13  14 Also Present: Jess McLoud - Videographer  15 --oOo--  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Page 4</p>
<p>1 BE IT REMEMBERED THAT, pursuant to the Federal  2 Rules of Civil Procedure, the videotaped deposition of  3 S.M., was taken before Maureen Kelly, OCSR No. 00-0364,  4 WCSR No. 3401, on Monday, July 17, 2023, commencing at  5 the hour of 9:05 a.m., the proceedings being reported  6 via Zoom videoconference.  7 --oOo--  8  9 APPEARANCES  10 (ALL APPEARING VIA VIDEOCONFERENCE)  11 For the Plaintiffs:  Andrew C. Lauersdorf  12 Janis C. Puracal  MALONEY LAUERSDORF &amp; REINER, PC  13 1111 E. Burnside Street, Suite 300  Portland, Oregon 97214  14 acl@mlrlegalteam.com  jcp@mlrlegalteam.com  15  David B. Owens  16 LOEVY &amp; LOEVY  c/o Civil Rights &amp; Justice Clinic  17 University of Washington Law School  William H. Gates Hall, Suite 265  18 PO Box 85110  Seattle, Washington 98145-1110  19 david@loevy.com  20 For State Defendants Hormann, Krings, Riddle, Wilcox  and Oregon State Police:  21 Todd Marshall  Jesse B. Davis  22 DEPARTMENT OF JUSTICE  1162 Court Street NE  23 Salem, Oregon 97301-4096  todd.marshall@doj.state.or.us  24 jesse.b.davis@doj.state.or.us  25 (Continued on next page.)</p> <p style="text-align: right;">Page 3</p>	<p>1 INDEX  2 EXAMINATION BY: PAGE  3 MR. MARSHALL 9  MR. FRANZ 47  4 MR. GERSCH 64  MS. SAWYER 65  5  --oOo--  6  7  8 EXHIBIT INDEX  9 EXHIBIT NO. ITEM PAGE  10 (No Exhibits Marked.)  11 --oOo--  12  13 INSTRUCTION not to Answer: (None.)  14 --oOo--  15  16 REQUEST for Production: (None.)  17 --oOo--  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Page 5</p>

2 (Pages 2 - 5)

<p>1 ////</p> <p>2 THE VIDEOGRAPHER: Good morning. We are on</p> <p>3 the record at 9:06 a.m. on July 17th, 2023.</p> <p>4 Please note that microphones are sensitive</p> <p>5 and may pick up whispering, private conversations and 09:05:53</p> <p>6 cellular interference. Please turn off all cell phones</p> <p>7 and place them away from the microphones as they can</p> <p>8 inefficient -- interference with the deposition audio.</p> <p>9 Audio and video recording will continue to take place</p> <p>10 unless all of the parties agree to go off the record. 09:06:06</p> <p>11 This is media unit 1 of the video recorded</p> <p>12 deposition of S.M. taken by counsel for the plaintiff</p> <p>13 [sic] in the matter of McGuffin v. Daniels, et al.,</p> <p>14 filed in the United States District Court for the</p> <p>15 District of Oregon, case No. -- leading case 09:06:19</p> <p>16 No. 6-20-cv-1163-MK, trailing case 3:21-cv-1719-MK.</p> <p>17 This deposition is being held at the Coos</p> <p>18 County Public Library located at 525 Anderson Avenue in</p> <p>19 Coos Bay, Oregon.</p> <p>20 My name is Jess McLoud from the firm Sights 09:06:48</p> <p>21 &amp; Sounds Limited, and I am the videographer. The court</p> <p>22 reporter is Maureen Kelly from the firm Veritext.</p> <p>23 I am not authorized to administer an oath.</p> <p>24 I am not related to any party in this action, nor am I</p> <p>25 financially interested in the outcome. 09:07:02</p> <p style="text-align: right;">Page 6</p>	<p>1 MR. FRANZ: Robert -- 09:07:52</p> <p>2 MS. SAWYER: Meredith Sawyer on behalf of</p> <p>3 defendant Vidocq Society.</p> <p>4 MR. FRANZ: Robert Franz on behalf of the</p> <p>5 municipal defendants. 09:08:01</p> <p>6 MS. PURACAL: Do the other defendants want</p> <p>7 to go ahead?</p> <p>8 That may be it.</p> <p>9 THE VIDEOGRAPHER: Okay.</p> <p>10 MS. PURACAL: Janis Pur -- 09:08:13</p> <p>11 THE VIDEOGRAPHER: Will the court --</p> <p>12 MS. PURACAL: Sorry. We'll go ahead for</p> <p>13 the plaintiffs.</p> <p>14 Janis Puracal on behalf of the plaintiffs.</p> <p>15 MR. LAUERSDORF: Andrew Lauersdorf on 09:08:22</p> <p>16 behalf of the plaintiff. And just so you're aware, my</p> <p>17 cell phone is on because that's how I'm getting my</p> <p>18 wi-fi.</p> <p>19 MR. OWENS: Also David Owens here for the</p> <p>20 plaintiffs. 09:08:29</p> <p>21 THE VIDEOGRAPHER: Will the court reporter</p> <p>22 please swear in the witness.</p> <p>23 ///</p> <p>24 S.M.,</p> <p>25 having been first duly sworn, was examined and testified 09:08:52</p> <p style="text-align: right;">Page 8</p>
<p>1 Counsel and all present in the room and 09:07:03</p> <p>2 everyone attending remotely will now state their</p> <p>3 appearances and affiliations for the record. If there</p> <p>4 are any objections to the proceeding, please state them</p> <p>5 at the time of your appearance beginning with the 09:07:12</p> <p>6 noticing attorney.</p> <p>7 MR. LAUERSDORF: I think that's you.</p> <p>8 MR. FRANZ: Well, Todd was the one that did</p> <p>9 it initially. Let's just go in order. Why don't you</p> <p>10 identify yourself? 09:07:25</p> <p>11 MR. LAUERSDORF: Well, starting with the</p> <p>12 noticing attorney, so it's got to be one of you guys.</p> <p>13 MR. FRANZ: Well, Todd noticed the</p> <p>14 deposition.</p> <p>15 MR. LAUERSDORF: Okay. 09:07:34</p> <p>16 MR. FRANZ: Todd, would you state your</p> <p>17 affiliation?</p> <p>18 Is he mute?</p> <p>19 MS. PURACAL: No, I don't think so.</p> <p>20 Todd, do you want to state your affiliation 09:07:45</p> <p>21 and your appearance first?</p> <p>22 MR. MARSHALL: Oh, I'm sorry.</p> <p>23 Yeah. This is Todd Marshall with the</p> <p>24 Oregon Department of Justice on behalf of the state</p> <p>25 defendants. 09:07:52</p> <p style="text-align: right;">Page 7</p>	<p>1 as follows: 09:08:52</p> <p>2 ////</p> <p>3 THE VIDEOGRAPHER: Thank you. You may</p> <p>4 proceed.</p> <p>5 MS. PURACAL: And, Todd, just before you 09:08:54</p> <p>6 begin, I just wanted to put on the record -- this is</p> <p>7 Janis Puracal for plaintiffs. I just wanted to make</p> <p>8 sure it's on the record that we are designating this</p> <p>9 deposition under the protective order, and that would</p> <p>10 include the transcripts as well as the video. So we 09:09:03</p> <p>11 understand that the court reporter is going to redact</p> <p>12 Ms. S.M.'s name and use the S.M. initials instead.</p> <p>13 You can continue.</p> <p>14 MR. MARSHALL: All right. Are we -- are we</p> <p>15 ready to go? 09:09:21</p> <p>16 MS. PURACAL: We are. Thank you.</p> <p>17 MR. MARSHALL: Okay. Sure.</p> <p>18 ///</p> <p>19 EXAMINATION</p> <p>20 BY MR. MARSHALL: 09:09:24</p> <p>21 Q. Would you please state your full name for</p> <p>22 the record?</p> <p>23 A. S.M.</p> <p>24 Q. And who is in the room with you today?</p> <p>25 A. In the room with me is Robert Franz, a 09:09:35</p> <p style="text-align: right;">Page 9</p>

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<p>1 Q. Okay. And do you have any knowledge or 10:36:00  2 information as to whether Vidocq Society played any role  3 in the investigation, prosecution or incarceration of  4 your father, Nick McGuffin?  5 A. I know -- I have heard of that, yes. 10:36:18  6 Q. What is your understanding of the role they  7 played?  8 A. I'm not too sure of the role that was  9 played, but I do know that anyone that did have anything  10 to do with my father being put in jail is pretty -- 10:36:32  11 pretty -- affected me.  12 Q. And do you have an understanding of what  13 role Vidocq Society played with respect to your father  14 being incarcerated?  15 A. No. 10:36:45  16 MS. SAWYER: Okay. Those are all the  17 questions I have. Thank you for your time.  18 MS. PURACAL: Anyone else for the  19 defendants?  20 Okay. Maureen, I think we are done. 10:36:58  21 THE VIDEOGRAPHER: Should I take us off the  22 record?  23 MS. PURACAL: Yes, we can go off the  24 record.  25 THE VIDEOGRAPHER: We are off the record at 10:37:11  Page 66</p>	<p>1 CERTIFICATE  2 I, Maureen Kelly, Oregon CSR No. 00-0364,  Washington CSR No. 3401, do hereby certify that  3 prior to the commencement of the examination, S.M. was  duly remotely affirmed by me to testify to the truth,  4 the whole truth and nothing but the truth.  5 I DO FURTHER CERTIFY that the foregoing is a  verbatim transcript of the testimony as taken  6 stenographically by me at the time, place and on the  date hereinbefore set forth, to the best of my  7 ability.  8 I DO FURTHER CERTIFY that I am neither a  relative nor employee nor attorney nor counsel of  9 any of the parties to this action, and that I am  neither a relative nor employee of such attorney or  10 counsel, and that I am not financially interested in  the action.  11  Witness my hand at Portland, Oregon, this 24th  12 day  13   14  15  16 MAUREEN KELLY - R  Certified Shorthand Reporter  Oregon CSR No. 00-0364  Washington CCR No. 3401  17  18  19  20  21  22  23  24  25</p>
<p>1 10:38 a.m. This concludes today's testimony given by 10:37:12  2 S.M.  3 (Deposition concluded at 10:38 a.m.)  4 --oOo--  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25  Page 67</p>	<p>18 (Pages 66 - 68)</p>